

# General Data Protection Regulations

## Privacy Notice for Employees – May 2018

As your employer, the Hywel Dda University Health Board (Health Board) needs to keep and process Personal Data about you in order to meet its legitimate interests as an employer and provider of health care. We are committed to being honest and transparent about how we collect and use that data and also in terms of meeting our legal data protection obligations.

This Notice advises you how we process your Personal Data and informs you of your rights and obligations under Data Protection Law including the provisions of the General Data Protection Regulations (GDPR). It explains how we collect and use personal information about you during and after your working relationship with us, in accordance with Data Protection Law. We may change this Notice from time to time so please check this document occasionally to ensure that you're happy with any changes.

The Notice applies to current and former employees, workers and contractors. It does not form part of any contract of employment or other contract to provide services.

### **WHAT Personal Data do we collect and process?**

Personal Data means any information which is identifiable as relating to an individual. Data protection law states that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept securely

Under the Data Protection Law, we have to understand and be able to demonstrate why we have collected, used and retained your personal data. We need to ensure that it falls under one of these categories:

- We are legally obliged to have it
- It is necessary to fulfil our contract with the employee
- We have specific and explicit consent from the employee
- It is in the public interest
- It is necessary to protect an individual's vital interests

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The Health Board collects and processes a range of Personal Data about you including:

- Your name, address and contact details
- Personal Data about your pay and terms and conditions
- Recruitment information
- Next of kin, dependents and emergency contacts
- Location of employment or workplace
- Your performance and appraisals
- Your date of birth
- Information about your use of our information and communication systems
- Your qualifications, skills, experience and previous employment history
- Your bank account and national insurance details
- Information about your nationality and entitlement to work in the UK
- CCTV footage and other electronic information e.g. obtained from swipecards
- Any disciplinary or grievance processes involving you
- A copy of your driving license
- Details of your schedule at attendance at work and periods of leave taken by you (including holiday, sickness etc.)

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences

We collect this Personal Data in a variety of ways. Much of it is provided by you, but sometimes we collect Personal Data about you from third parties, such as referees, employment agencies or background check providers, the Disclosure and Barring Service (DBS) and professional bodies (e.g. NMC, GMC, HCPC). We may also obtain information about you during the course of job related activities throughout the period of you working for us.

Personal Data is stored in accordance with the requirements of Data Protection Law and in a range of different places, including your personal file, workforce management systems and other IT systems (N.B. information should not routinely be kept in the email system). Personal Data can be held in electronic and/or in paper format.

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### WHY do we need your Personal Data?

Your Personal Data is processed by the Health Board to meet its legitimate interests as an employer and provider of health care.

The Health Board uses this data to form an employment contract with you and meet the obligations of this contract – this includes making sure that you get paid and (if you are an employee) for deducting tax and National Insurance.

As a health organisation we are committed to making sure that people in our care are safeguarded against exploitation and harm. Checking your qualifications, DBS status and professional registration etc. are important tools in recruiting safely and making sure that our patients are safe. We may also use your personal data to check that you are legally entitled to work in the UK.

Where necessary, we may keep Personal Data relating to your physical and mental health or disability status, which could include reasons for absence and medical reports. This information will be used in order to comply with our health and safety and occupational health obligations such as considering how your health affects your ability to do your job and whether any adjustments might be appropriate. We also need this Personal Data to make sure that payroll is informed about any sickness and that you are paid statutory and contractual sick pay as appropriate.

Other examples of how your data is used include:

- To make a decision about your recruitment or appointment
- Ensuring acceptable conduct within the workplace by keeping a record of disciplinary and grievance processes
- Planning for career development, succession planning and workforce planning
- Ensuring that you are paid appropriately and other obligations on us are met when you are on leave (including sickness, maternity, paternity, adoption, parental and shared parental leave)
- Liaising with your pension provider
- Providing references for current or former employees
- Informing the authorities of your suitability to be appointed to certain jobs involving children or vulnerable people
- Responding to and defending against legal claims
- Conducting data analytics studies to review and better understand employee retention and attrition rates
- To monitor use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution

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- To conduct data analytics studies to review and better understand employee retention and attrition rates
- Maintaining and promoting equality and equal opportunities in the workplace

Some of the above grounds will overlap and there may be several grounds which justify our use of your personal information.

Hywel Dda University Health Board is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud. For more information on this initiative see link.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please also note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

We may process special categories of [sensitive personal information](#) in the following circumstances:

- Where we need to carry out our legal obligations and in line with our policies
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our occupational pension scheme, and in accordance with our policies
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- In limited circumstances, with your explicit written consent
- Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interest (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may process such information about members or former members in the course of legitimate business activities with the appropriate safeguards

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leave of absence, which may include sickness absence or family related leave, to comply with employment and other laws
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to

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work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits

- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations

### WHO has access to your Personal Data?

Your Personal Data will be shared internally with your line manager, other managers in the area in which you work and the Workforce and OD Department as appropriate. There will also be times when members of other departments need your data to perform their own role (e.g. Occupational Health, IT and managers who are part of a disciplinary or grievance hearing which involves you).

Your Personal Data will also be shared with NHS Shared Service Partnership for recruitment, payroll and pension purposes and with the Home Office to obtain a certificate of sponsorship (if applicable). Your personal data may also be shared with HMRC and the NHS Pensions Agency.

On occasions we may share your Personal Data with other third parties. For example, if an employment reference is requested or if you ask us to provide proof of employment to a mortgage provider. We will also share Personal Data about you if there are safeguarding concerns or concerns about your fitness to practice e.g. DBS, the police, or other professional bodies.

IBM, who provide ESR (the Electronic Staff Record), are responsible for maintaining the system and this means that they may occasionally be able to access your staff record to ensure ESR works correctly. Even when this happens, access will be very limited and is only to allow any system problems to be fixed. They do not have the right to use this data for their own purposes.

Some information from ESR is transferred to a separate database, known as the Data Warehouse. This is used by the Government and other bodies including the Deanery and Shared Services. It allows them to access certain information to generate the reports that they need and are entitled to. It is important to note, however, that this information is anonymized before release.

We are legally obliged to have a Publication Scheme, which is available on the Health Boards Intranet and Internet. Staff who have an expectation of being contactable in

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their role may have their names and work contact details published in documents placed in the Publication Scheme and hence, on the Internet. If you would prefer that your details are not placed on the Health Boards internet site, please inform the Data Protection Officer in writing or by email.

It is important to note that your information will only be disclosed as required by law or to our appointed agents/service providers. Anyone receiving Personal Data about you is under a legal duty to keep it confidential. We only request, use and share the minimum Personal Data necessary. We will never sell your Personal Data and we will not share it without the appropriate legal authority, or if appropriate to the circumstances, your informed consent.

### HOW do we protect your Personal Data?

The Health Board takes the security of your data very seriously, whether it is electronic or in paper form. We have internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by employees or organisations acting on our behalf in the performance of their duties.

We will hold your Personal Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal information are available on the Intranet linked to the GDPR Policy.

All staff are required to undertake training on a regular basis to make sure that all staff working in the NHS are aware of their responsibilities about the handling of Personal Data regardless where they work in the Health Board.

### Your rights and obligations:

You have a number of **rights** surrounding your data. You have the right to:

- Access and obtain a copy of your data on request
- Require us to change incorrect or incomplete data

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- Require us to delete or stop processing data, for example where it no longer needs to be or relevant to the purpose for which it was originally processed
- Object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing
- Request the transfer of your personal information to another party
- Ask us to stop processing your data for a period if the data is inaccurate

If you would like to exercise any of these rights or make a complaint, please contact the Data Protection Officer listed below. If you believe that we have not complied with your data protection rights, you can complain to the Information Commissioner ([www.ico.gov.uk](http://www.ico.gov.uk))

You also have some **obligations** under your employment contract to provide the organisation with data. In particular, you are required to ensure that the personal information we hold about you is accurate and up to date. Keep us informed if your personal information changes during your employment with us. This will include (although not limited to) reporting absences from work and you may be required to provide information about disciplinary matters. You may also have to provide us with data in order to exercise your statutory rights e.g. a MATB1 certificate is required before you can receive maternity pay. Other Personal Data, such as contact and payment details or your right to work in the UK, have to be provided to enable us to enter into a contract of employment with you.

### Consent

We do not need your consent if we use special categories of your personal information in accordance with our written policy, to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### Further Information

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This leaflet is intended as a basic guide to the processing of your Personal Data by the Health Board. If it does not answer your questions or if you would like any further information regarding the Data Protection Law, please contact the Data Protection Officer (contact details below).

### Data Controller / Officer

Hywel Dda University Health Board is the Data controller for the purposes of Data Protection Law. This means that Hywel Dda University Health Board is the corporate body responsible for the control and use of your personal data.

All NHS organisations in Wales have appointed a Data Protection Officer (DPO) whose role is to undertake tasks to ensure that all personal data is being processed in accordance with Data Protection Law. The Health Board Data Protection Officer can be contacted as follows:

e-mail address:- [dpo.hdd@wales.nhs.uk](mailto:dpo.hdd@wales.nhs.uk)

Address:- Data Protection Officer  
Hywel Dda University Health Board  
Corporate Office  
Ystwyth Building  
St Davids Park  
Jobswell Road  
Carmarthen  
SA31 3BB